

**ITEM NO:**Application No.  
**18/01230/FUL**Ward:  
Little Sandhurst And  
WellingtonDate Registered:  
21 December 2018Target Decision Date:  
15 February 2019

Site Address:

**The Rose and Crown 108 High Street Sandhurst  
Berkshire GU47 8HA**

Proposal:

**Erection of 2no. dwellings with associated access, parking,  
landscaping and bin/cycle storage following demolition of existing  
outbuildings to rear of existing public house.**

Applicant:

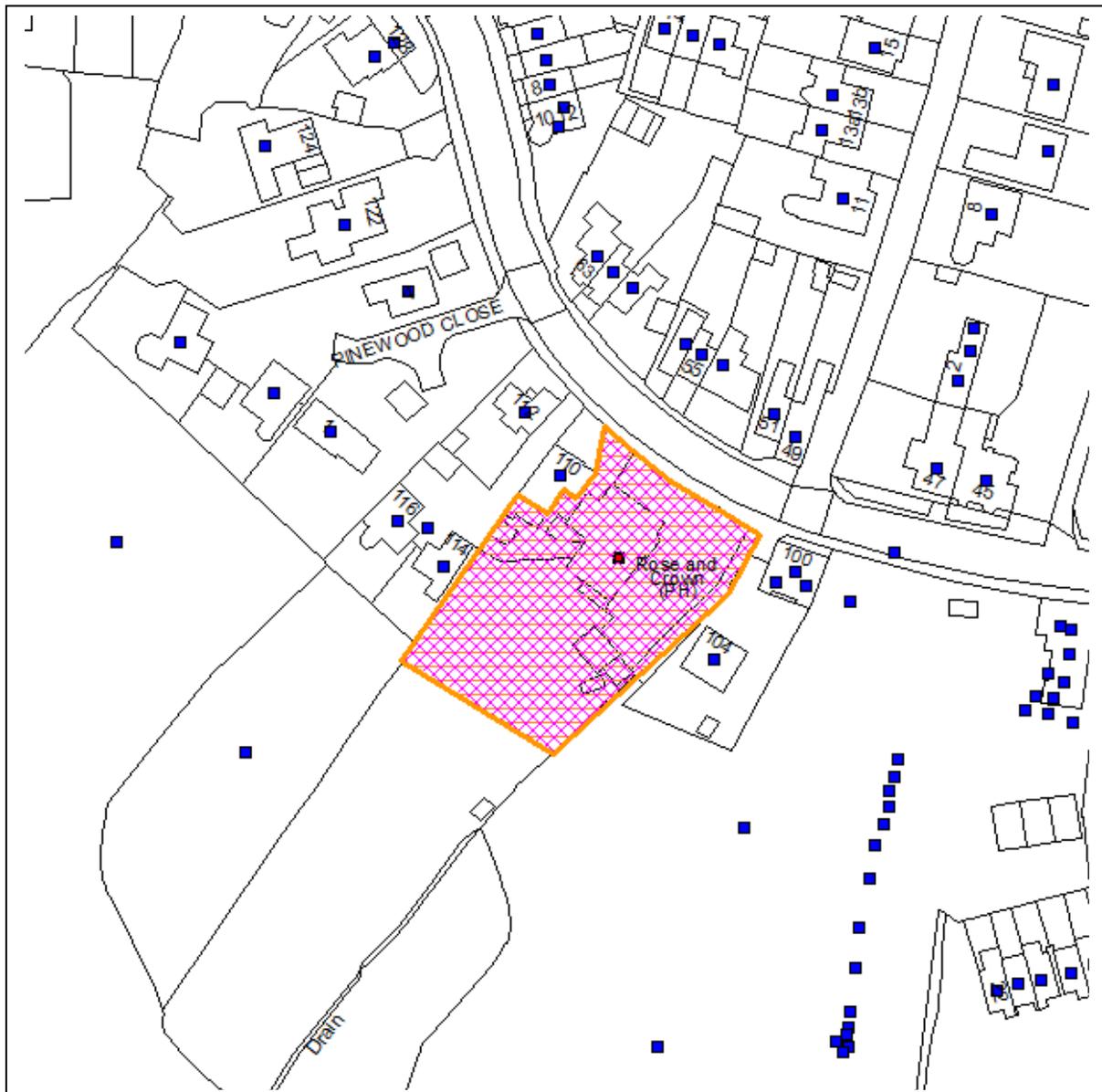
Punch Partnerships (PML) Limited

Agent:

Mrs Caroline Gould

Case Officer:

Sarah Horwood, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)**Site Location Plan** (for identification purposes only, not to scale)

## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposal is for the erection of 2no. detached dwellings with associated access, parking, landscaping and bin/cycle storage following demolition of existing outbuildings to rear of the existing public house.

1.2 The proposal for 2no. houses outside of the defined settlement boundary in the Countryside is not strictly in accordance with development plan policy CS9 of the CSDPD and Saved Policies EN8 and H5 of the BFBLP which seek to restrict new housing in the Countryside. However, these policies do not fully accord with the NPPF which seeks to protect the intrinsic character and beauty of the countryside and therefore the weight afforded to the development plan policies decreases. The NPPF supports both the effective use of land for new housing and the development of under-utilised land. In this instance, the 2no. dwellings would be sited on previously developed land (PDL); the 2no. dwellings would relate well to existing built form to the west, east and south-east of the site, all of which lies outside of the defined settlement boundary. The proposal would comprise the infilling of a gap between existing built form on High Street and Pinewood Close and approved built form at Alford Close. The 2no. dwellings do not detract from the designated landscape character of the area as defined by the Landscape Character Assessment, 2015 and planting is proposed along the southern boundary of plot 1 to provide screening to the development when viewed from the open countryside directly to the south. As such, no significant harm would result to the intrinsic beauty of the countryside.

1.3 The proposal is not considered to adversely affect the residential amenities of neighbouring properties. The existing pub would be retained as a community facility. No adverse highway safety implications would result. A dedicated pedestrian footpath is proposed to serve the 2no. dwellings, linking between the proposed dwellings and the public footpath on the High Street to provide safe and suitable access to future occupiers. The revisions proposed to the parking layout serving the public house would represent an improvement on the existing situation as the existing parking spaces are not properly marked and do not comply with current standards. Relevant conditions will be imposed in relation to trees, biodiversity, sustainability and drainage. A legal agreement is required to secure contributions for SPA mitigation and the scheme is CIL liable.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to the conditions in Section 11 of this report and a section 106 agreement relating to mitigation measures for the SPA.
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### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee following receipt of more than 5 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Partly on land within defined settlement and outside defined settlement
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Within 5km of the Thames Basin Heath SPA
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3.1 The Rose and Crown PH lies to the south of the highway on High Street, Sandhurst. It is a part two storey, part single storey building which has been extended, including to the front and side of the building. It comprises a mix of brick and render and a clay tiled roof. The pub is served by a car

park to the east of the building, accessed off High Street. To the front and rear of the building are external seating areas serving the pub. There are numerous structures sited in the rear beer garden including areas of decking, hardstanding and sheds.

3.2 There are residential dwellings to the north, east and west of the pub. Directly to the south-east of the pub, there are on-going works relating to the development of the land as a housing allocation (land at Alford Close).

#### **4. RELEVANT SITE HISTORY**

4.1 The most recent applications relating to the site are:

03/01002/FUL approved for erection of single storey side extension to public bar.

09/00656/FUL approved for erection of single storey flat roofed extension to the side of the existing public house along with a timber decked area with pergola to rear of proposed extension.

18/00382/FUL refused at the Planning Committee on 9 November 2018 for the erection of 2no. dwellings with associated access, parking, landscaping and bin/cycle storage following demolition of existing outbuildings to rear of existing public house for the following reasons:

1. The proposed development would not provide safe and suitable access for pedestrians through the car park of the Rose and Crown public house. This would result in pedestrians coming into conflict with vehicles reversing and manoeuvring within the car park to the detriment of pedestrian safety. The development would therefore be contrary to Saved Policy M6 of the Bracknell Forest Borough Local Plan, Policy CS23 of the Core Strategy Development Plan Document and the National Planning Policy Framework (2018).
2. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018)

An appeal has been lodged against the refusal of application 18/00382/FUL.

#### **5. THE PROPOSAL**

5.1 Full permission is sought for the erection of 2no. detached dwellings with associated access, parking, landscaping and bin/cycle storage following demolition of existing outbuildings to rear of existing public house.

5.2 The proposed development differs to that considered as part of application 18/00382/FUL with revisions proposed to the car park layout serving the public house and the provision of a dedicated pedestrian footpath that is proposed along the eastern boundary of the site. The proposed revisions to the car park would result in an overall reduction in the number of parking spaces, however it would ensure that the dimensions of the parking spaces comply with the dimensions set out in the Council's Parking Standards SPD in terms of width and length (currently the spaces are sub-standard). It would also create an improved layout when compared to the existing parking layout (this is discussed in greater detail in Section 9, sub-section iv – transport implications). The

proposed footpath would be sited to the rear of the existing parking spaces serving the public house and would be on a strip of land which currently comprises some soft landscaping (for clarification, the proposed footpath would not affect the existing or proposed on-site parking provision for the Rose and Crown). The proposed bonded gravel footpath would run for a length of 40-45m and would vary in width between 1m and 1.8m, connecting from the proposed dwellings to the public footpath on High Street. This would provide pedestrian access for future occupiers of the proposed dwellings. The footpath would be separated from the car park and an existing ditch by 0.9m high timber post and rail fencing.

5.3 Plot 1 would range between 6.6m and 7.2m in width and would be 9.8m long. It would have an eaves height of 4.8m and ridge height of 7.8m. It would comprise a hallway, WC, store, kitchen, dining room and living room at ground floor level and at first floor level, there would be 3no. bedrooms, one with en-suite, family bathroom and store.

5.4 Plot 2 would be 6.6m wide and 9.8m long. It would have an eaves height of 4.8m and ridge height of 7.8m. It would comprise a hallway, WC, store, kitchen, dining room and living room at ground floor level and at first floor level, there would be 3no. bedrooms, one with en-suite, family bathroom and store.

5.5 Both plots would have 2no. parking spaces each, small front gardens and rear gardens.

5.6 For clarification, the existing public house at the Rose and Crown would be retained. No external alterations are proposed to the pub itself and the floor area of the pub will remain as existing. The siting of the proposed dwellings would however result in the sub-division of the existing beer garden to the rear of the building to accommodate the 2no. dwellings and associated amenity space, parking, etc. and the remainder of the land would be retained as an outdoor seating area connected to the pub. It is also proposed to demolish some existing outbuildings, areas of decking and hardstanding within the beer garden and to infill one of the existing ponds.

## **6. REPRESENTATIONS RECEIVED**

### **Sandhurst Town Council**

6.1 Recommend refusal for the following reasons:

- i) Reasons 1 and 2 of the decision of 9th November 2018 for application 18/00382/FUL continue to be valid.
- ii) Any reduction in space by inserting a pedestrian walkway would reduce parking to such an extent that it would result in the parking provisions for the property falling below the Local Planning Authority's approved standards.

### **Other representations**

6.2 78 objections have been received which raise the following (comments include):

#### **The proposal will impact upon the viability of the Rose and Crown PH:**

- Rose and Crown PH is oldest pub in Sandhurst;
- The Rose and Crown is a valuable community asset. It should be preserved;
- One of its many assets and appeal to customers is the large beer garden. If the proposal goes ahead, the pub will lose over half its garden;
- Building on some of the beer garden will result in decline in custom;
- Pub will lose custom due to lack of beer garden;
- The proposal will leave the pub unable to cater for current customers and increased future custom;
- Demand for pub will increase due to housing development in the area;
- Existing tenants have built up reputation for range of food and ales, music, etc.;
- The premises has a lot of CAMRA members and has been pub of the year;

- A new lease would need to be provided to gain control of the land subject to the application;
- View from beer garden would be impacted upon;
- Loss of parking will result in reduction in business to the public house;
- Public house has been listed as an Asset of Community Value so why would the Council support this proposal which will ultimately impact upon the long term viability of the public house.

#### **Highway and safety issues:**

- Residential Access through car park would endanger customers of the pub using the car park, particularly those with children, dogs, those with mobility issues;
- Large vehicles/vans could restrict access to houses, including for emergency vehicles;
- Traffic disruption on High Street (A321);
- Increase in traffic;
- Residents or visitors of proposed dwellings will park in pub car park, resulting in displacing customers of the pub and resulting in overspill parking in area;
- Parking spaces in existing pub car park are small and vehicles have to manoeuvre to access/exit the spaces;
- Construction of a footpath between the car park and the neighbouring Wig Shop , may create another pedestrian access to the new houses, but does not reduce the risk of a pedestrian accident for pub customers;
- How will deliveries be made to the proposed dwellings;
- During construction, car park will have to close temporarily for heavy machinery/deliveries
- Car park is already insufficient. Revisions to reduce number of parking spaces is not acceptable, resulting in inconsiderate parking off-site and impacting on viability of public house;
- Not sufficient clearance for cars to open their doors on the spaces proposed parallel to public house;
- Vans will overhang parking spaces into access through car park;
- There is a requirement for more parking to serve the public house;
- Revised parking layout and provision of pedestrian footpath will restrict parking and manoeuvrability.

#### **Impact on surrounding area and neighbours:**

- Excessive infilling at site;
- Loss of valuable open space;
- Proposal out of character with pub and its surroundings;
- Increase in noise and disturbance to surrounding dwellings by reducing size of beer garden and resulting in increased use of front decking area;
- Dwellings will result in overlooking and loss of privacy to surrounding dwellings;
- Will impact future occupiers of proposed dwellings by living next to pub and associated pub garden. Concern that noise complaints could result from future occupiers which would impact upon the pub and its events;
- The Council is able to demonstrate a 7.5 housing land supply and therefore no need to warrant violating the Council's and the government's own regulations/guidelines.

#### **Further issues:**

- Description of development for the proposal is misleading as vast majority of development is on land that is currently beer garden. This is considered to be done deliberately;
- The outbuildings/structures which would be removed are temporary shacks which do not have foundations;
- Is no concern for why Punch Taverns are seeking this development. Why would an organisation which runs a successful, viable business be applying for such a development when there are repercussions to the public house including losing view from the beer

garden will mean loss of trade; complaints will arise from the new dwellings in the future about noise, access through the car park, etc.;

- Is an asset stripping exercise by Patron Capital Advisors LLP;
- There are already only a few pubs in the area and this could result in the loss of a further premises;
- Too many houses being built in the Borough without improvements to infrastructure.
- Houses could be built somewhere else as major upset will be caused if the development goes ahead.

## 7. SUMMARY OF CONSULTATION RESPONSES

### Environmental Heath

7.1 No objection.

### Highways Officer

7.2 No objection subject to conditions.

### Biodiversity Officer

7.3 No objection subject to conditions.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO DECISION

8.1 The key policies and guidance applying to the site and the associated policies are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Housing	CS15, CS16 of the CSDPD, H5 of BFBLP	Generally consistent The NPPF supports providing a range of homes (para. 8)
Countryside	CS9 of CSDPD, EN8 of the BFBLP	Not wholly consistent- NPPF does not support protecting the Countryside for its own sake instead 'protecting and enhancing valued landscapes' (para.) 170
Residential amenity	EN20 and EN25 of BFBLP.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Sustainability	CS10 & CS12 of CSDPD	Consistent
SPA	SEP Saved Policy NRM6, CS14 of CSDPD	Consistent
Trees, biodiversity	Saved policy EN1, EN2 and EN3 of BFBLP, CS1 of CSDPD.	Consistent

and landscaping		
<b>Supplementary Planning Documents (SPD)</b>		
Thames Basin Heath Special Protection Area (SPD)		
Design SPD		
Parking standards SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		
Landscape Character Assessment		

## 9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Trees
- vi. Biodiversity
- vii. Thames Basin Heath SPA
- viii. Community Infrastructure Levy (CIL)
- ix. Sustainability
- x. Drainage/SuDS

### i. Principle of development

9.2 The application site is split into 2 designations – the existing pub, car park and some of the rear beer garden is sited on land within the settlement boundary and the remainder of the beer garden to south/south-west of the building is sited on land outside of the defined settlement, known as Countryside.

9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

9.4 Paragraph 11 of the NPPF sets out that for decision takers this means approving development proposals that accord with the development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

9.5 As of 20 February 2019, the Council is able to demonstrate a 5 year housing land supply (HLS) (presently 6.04 years). Paragraph 11 (d)(ii) of the NPPF is generally known as the “tilted balance”. If policies which are most important for determining the application are out of date, permission should be granted unless:

- i. application of policies in the framework that protect areas or assets...provide a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- Where a LPA lacks a required supply of housing, the titled balance will apply. In an appeal on "Land South of Foxley Lane, Binfield" for new housing in the Countryside, the Inspector gave Saved policies EN8 and H5 of the BFBLP significant weight which relate to development on land outside of settlements and new dwellings outside settlements.

9.6 Policy CS9 of the CSDPD seeks to protect land from development that would adversely affect the character, appearance or function of the land.

9.7 'Saved' Policy EN8 seeks to permit development only where it would not adversely affect the character, appearance or function of the land.

9.8 'Saved' Policy H5 seeks to restrict the development of new dwellings unless it can be demonstrated that it would cause no harm to the character of the area.

9.9 The above policies effectively seek a blanket restriction of new housing in the Countryside. The NPPF at para 170 aims to protect and enhance valued landscapes and recognises the intrinsic character and beauty of the countryside (however it is acknowledged it does not specifically preclude residential development in the countryside). The development plan policies are not fully consistent with the NPPF and the weight afforded to them in decision taking therefore decreases. However the policies do refer to ensuring any development does not adversely affect the character or appearance of the area.

9.10 Para 12 of the NPPF states that where a planning application conflicts with an up to date development plan, permission should not usually be granted. However LPAs may take decisions that depart from an up to date plan only if material considerations in a particular case indicate that the plan should not be followed. This is considered to be the case in this application.

9.11 The following NPPF policies are relevant to the consideration of this application:

- Para 8 refers to achieving sustainable development, with 3 overarching objectives - economic, social and environmental objectives. The economic objective refers to building a strong, responsive and competitive economy; the social objective refers to supporting a strong, vibrant and healthy community by ensuring that a sufficient number and range of homes can be provided; and the environmental objective states that proposals should protect and enhance the natural, built and historic environment, including making effective use of land;
- Para 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses;
- Para 118 (a) goes onto state that planning policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes;
- Para 118 (d) promotes and supports the development of under-utilised land and buildings;
- Para 121 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans;
- Para 122 again refers to planning policies and decisions which support development that makes efficient use of land.

9.12 The 2no. houses would be sited on land currently utilised as a beer garden serving the pub. The rear garden space is occupied by numerous permanent structures including areas of decking, timber sheds and hardstanding upon which picnic benches are sited. As such, the land is considered to constitute previously developed land (PDL). The definition of PDL as given in Annex 2 of the NPPF states "land which is or was occupied by a permanent structure, including the

curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”.

9.13 The proposed development is considered acceptable in its impact on the character of the area as the application site itself is not considered to be open, undeveloped land that contributes significantly to the rural character of the open countryside. The 2no. houses would be sited on land that is PDL. The land does not have the visual attributes that would be associated with open countryside due to the coverage of existing structures connected to the use of the land as a beer garden. As such, the removal of the existing structures and their replacement with 2no. dwellings would not significantly harm the intrinsic beauty of the countryside or result in a significantly urbanising impact on the land. It is acknowledged that the 2no. dwellings would be two storeys high and replace surface level structures such as decking and single storey outbuildings, however any environmental impact would be localised. Indicative planting is proposed along the southern boundary of plot 1 with hedgerow and tree planting to provide softening to the development when viewed from the open countryside directly to the south.

9.14 The 2no. proposed houses would be sited on land within the curtilage of an existing building located within the settlement boundary and would relate closely to the existing building. The 2no. dwellings would follow the general pattern of backland development (some of which lies within the Countryside) at nos. 104 High Street to the east and nos. 112 and 114 High Street and 1-3 Pinewood Close to the west. It would also relate to the development approved and under construction as part of a housing allocation on land at Alford Close to the south-east. The dwellings at nos. 112 and 114 High Street and nos. 1-3 Pinewood Close all lie on land outside of the defined settlement boundary as does part of the housing approved at Alford Close.

9.15 As part of the housing allocation at Alford Close, there would be a community hall building and associated car park sited directly to the south-east of the 2no. proposed dwellings. The 2no. proposed dwellings would not extend beyond the footprint of the community hall and associated car park directly to the south-east and would not extend beyond the housing to the east and south-east of the community hall. An extract of the housing allocation at Alford Close is shown below where the application site can be seen in the context of the community hall and housing approved at Alford Close (all of which on the extract below is sited on land in the Countryside, outside of the settlement boundary).



9.16 The proposed dwellings would relate well to existing built form to the west, east and south-east of the site, all development that lies outside of the defined settlement boundary and is infilling a gap between the existing dwellings at nos. 114 and 116 High Street and 1-3 Pinewood Close to the west and the approved housing allocation at Alford Close to the east/south-east.

9.17 Further, the site lies within the River Valley as designated by the Council's Landscape Character Assessment (LCA) document, dated September 2015. The LCA describes this area as influenced by flat valley bottom topography, areas of grassland, water bodies and well used recreation areas. The application site itself does not comprise any of the valued attributes identified in the LCA and therefore the proposal would not detract from the designated landscape character of the River Valley.

### **Loss of part of the existing beer garden**

9.18 Para 235 of the CSDPD states that "many retail uses are hubs of the community...units that perform an important community role including post offices, convenience stores, chemists and pubs will be protected. Planning applications involving their loss by redevelopment or change of use will not be allowed unless exceptional circumstances have been proven". This is consistent with the NPPF which also seeks to protect community facilities/services.

9.19 Section 8 of the NPPF refers to promoting healthy and safe communities. Para 92 states that "to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...guard against the unnecessary loss of valued facilities and services".

9.20 In accordance with para 235 of the CSDPD and Para 92 of the NPPF, the Rose and Crown PH itself will be retained and remain in operation. The proposal would result in the loss of some of the existing beer garden currently serving the pub to accommodate the 2no. proposed dwellings. However, para 4.1 of the Design and Access Statement submitted with the application states that the size of the existing beer garden is surplus to the operational requirements of the pub and the reduced size of the beer garden will be sufficient to serve the pub. The pub itself would be retained (all of its existing floor area) and there would be external seating areas retained to the front of the premises and in part to the rear. The proposal therefore conforms with paras 235 of the CSDPD and para 92 of the NPPF which protect community facilities and services.

9.21 The retained beer garden would be 24m wide and between 9m and 10m deep, along with an external area of decking abutting the side/rear elevation of the pub which is 9m deep and 6m-7m wide. Whilst it is acknowledged that there would be a reduction in the size of the rear beer garden, the floor space of the public house would remain unaltered. Additional hedging is proposed along the 2.1m high acoustic fence to provide some softening to the new fence line. There would be some views from the beer garden of the 2no. proposed dwellings, however there would also be unobstructed views in the main across the rear gardens of the proposed dwellings.

### **Asset of community value**

9.22 The Community Right to Bid was established under the Localism Act 2011. It allows communities and parish councils to nominate buildings or land to the Borough Council as being of community value. A building or other land is an Asset of Community Value if its main use has recently been, or is currently used, to further social wellbeing and interests of the local community, and could continue to do so in the future.

9.23 The building itself at the Rose and Crown, the car park and some of the outdoor areas have been recently listed as an Asset of Community Value (ACV).

9.24 The listing of the building and some of the surrounding land as an ACV is acknowledged and is considered as a material planning consideration to this application. However, the proposal

subject to this application would not result in the loss of the pub itself which would be retained and would result in an improved layout to the car park serving the premises. For clarification, the proposed development for 2no. houses, associated gardens and parking/turning areas would be on land which was excluded from the ACV designation.

9.25 In summary, the proposal for 2no. houses outside of the defined settlement boundary in the Countryside is not strictly in accordance with the development plan policy CS9 of the CSDPD and Saved Policies EN8 and H5 of the BFBLP which seek to restrict new housing in the Countryside. However, these policies do not fully accord with the NPPF which seeks to protect the intrinsic character and beauty of the countryside and therefore the weight afforded to them decreases.

9.26 The NPPF supports both the effective use of land for new housing and the development of under-utilised land. In this instance, it is therefore relevant that:

- the 2no. dwellings would be sited on land that is PDL;
- the 2no. dwellings would relate well to existing built form to the west, east and south-east of the site, all development that lies outside of the defined settlement boundary and is infilling a gap between existing built form on High Street and Pinewood Close and approved built form at Alford Close;
- the 2no. dwellings do not detract from the designated landscape character of the area as defined by the LCA, 2015;
- planting is proposed along the southern boundary of plot 1 to provide screening to the development when viewed from the open countryside directly to the south;

9.27 In light of the above, it is considered that no demonstrable or significant harm would result to the intrinsic beauty of the countryside. Further, the existing pub would be retained as a community facility.

## **ii. Impact on character and appearance of surrounding area**

9.28 The Council's Design SPD sets out a number of recommendations that are relevant to the proposed development. Of particular relevance are the following:

- o The form of new buildings, including roof should relate well to those found in the local context;
- o Backland development should:
  - not be highly visible from the main street frontage,
  - not harm the existing character of the area,
  - relate to a site of sufficient size and shape to accommodate the number of dwellings,
  - not be taller than the existing buildings nor be highly visible from the main street frontage, create a satisfactory living environment for the new home and existing surrounding properties.
- o Plots should be large enough to accommodate the proposed built development and the requirements associated with it (such as amenity space, parking, etc.) in an arrangement that is practical and attractive. They should be configured to make sure that new development relates well to its neighbours.

9.29 The proposed dwellings would constitute backland development, sited to the rear of the existing public house, set back 42m from the highway at the closest point. Backland development is evident in the local area, including 2no. detached dwellings directly to the west of the application site at nos. 114 and 116 High Street which once formed part of the rear garden of the dwelling at no. 112 High Street, the development at Pinewood Close to the west of nos. 112 and 116 High Street and 104 High Street directly to the east. As such, the principle of backland development is acceptable. Further, the site directly adjoins the housing allocation site at Alford Close which is immediately to the south-east of the application site.

9.30 The proposed dwellings would be orientated at 90 degrees to the front elevation of the building at the Rose and Crown. They would relate well to the orientation of the dwellings approved at Alford Close, facing onto the internal access road leading from the pub car park.

9.31 The proposed dwellings would have ridge heights of 7.8m. The ridge heights of the proposed dwellings would be lower than that of the existing public house which would be retained as part of the proposal. The proposed dwellings, due to their siting directly to the rear of the existing public house and their ridge heights being lower than the public house, they would not appear readily visible from the main street frontage. This accords with the Design SPD for backland development.



9.32 The dwellings would take a simple design form, comprising architectural detailing of canopies, stone window heads and cills and the use of red facing brickwork, slate and render. High Street is characterised by a non-uniform mix and style of houses, roof form and materials. The design of the dwellings would be sympathetic to the character of the area being similar in appearance to dwellings elsewhere in the streetscene. Further, the proposed palette of materials would reflect the brick and tile colours/types seen elsewhere in the streetscene.

9.33 The 2no. proposed new dwellings would not result in overdevelopment of the site, with adequate separation space between the proposed dwellings and adjoining buildings and adequate sized gardens. The proposal also includes on-site parking provision, dedicated pedestrian access for future occupiers of the proposed dwellings, bin and cycle storage and the retention of external seating areas to serve the existing pub.

9.34 The proposed dwellings would have rear gardens proportionate to their size, ranging in length between 14.8m-15.2m for plot 1 and 13.6m-14m for plot 2. The bin/cycle stores would be located in the rear gardens of each plot, accessed by footpaths adjacent to the flank walls of the proposed dwellings. An indicative scheme of soft landscaping for the proposed dwellings has been submitted which includes new tree planting and mixed native hedging which would enhance the landscaping on site and would assimilate well with the open countryside directly to the south.

9.35 The proposed pedestrian footpath would be sited along the eastern boundary of the site. It would be at surface level, comprising a bonded gravel finish, bounded by 0.9m high timber post and rail fencing. The proposed footpath and means of boundary treatment would not appear unduly prominent in the street scene. The revisions to the parking layout serving the public house would also not appear prominent in the street scene.



9.36 For the reasons given above, the development would not result in an adverse impact on the character and appearance of the area and would accord with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD, the Design SPD and the NPPF.

### iii. Residential amenity

9.37 The proposed dwellings would be sited in excess of 55m from the dwellings directly to the north at nos. 49 and 51 High Street. In view of this separation distance and siting of the dwellings directly to the rear of the existing pub, the dwellings would not appear visually prominent or result in overlooking or loss of daylight to existing dwellings to the north of High Street.

9.38 The proposed dwellings would be set 39m from no. 100/102/102A High Street to the north-east at the closest point. This building comprises a commercial unit at ground floor and residential accommodation above. In view of the separation distances and the siting of the dwellings, they would not appear visually prominent, result in overlooking or loss of daylight to nos. 100/102/102A High Street.

9.39 To the east lies no. 104 High Street which is a residential dwelling. The proposed dwelling closest to no. 104 is plot 2 which would be sited 22m from the rear elevation of no. 104 at the closest point. In view of the separation distance to no. 104 and the orientation of the proposed dwellings relative to no. 104, the dwellings would not appear overbearing or result in loss of daylight to no. 104. Plot 2 would be set some 14m from the rear boundary of no. 104. There

maybe oblique views from first floor windows on the front (east) elevation of plot 2 over the rear garden of no. 104, however these views would be oblique and over the rear most part of the garden of no. 104. As such, any overlooking would not be considered detrimental to no. 104. The dedicated pedestrian footpath proposed along the eastern boundary of the site would not be considered to result in undue noise and disturbance to no. 104 given it would be used for pedestrian access to the 2no. proposed dwellings.

9.40 There is a single storey building at no. 110 High Street to the north of the proposed dwellings. This building is not in residential use but commercial use. As such, the proposed dwellings would not adversely affect this commercial building.

9.41 The proposed dwellings would be sited some 35m from the rear elevation of no. 112 High Street at the closest point, with the existing building at no. 110 as an intervening building between along with the shared access road serving nos. 114 and 116 High Street. In view of the separation distance to no. 112, the proposed dwellings would not appear visually prominent, result in overlooking or loss of daylight to no. 112 High Street.

9.42 To the west lie nos. 114 and 116 High Street. No. 114 is sited closest to the application site and is a two storey dwelling with an existing conservatory to the rear. The proposed dwellings would be orientated at 90 degrees to nos. 114 and 116. Plot 1 would be sited between 14.8m and 15.2m from the boundary with no. 114, with a 17.6m separation distance to no. 114 at the closest point. Plot 2 would be sited between 13.6m and 14m from the boundary with no. 114, with a 15.2m separation distance to no. 114 at the closest point. In view of these separation distances between the rear elevations of plots 1 and 2 and no. 114 at the closest point, along with the orientation of the new dwellings relative to no. 114, they would not appear unduly overbearing to the detriment of no. 114. Further, in view of the separation distances between the proposed dwellings and no. 114 and the orientation of the proposed houses to the east/south-east, there would be no adverse loss of daylight or sunlight to the rear elevation and rear garden of no. 114.

9.43 The windows in the rear (west) elevation of plot 1 facing the rear garden of no. 114 serve the living room at ground floor level and at first floor level, there would be 2no. windows, one serving an en-suite and one serving a bathroom. The 2no. first floor windows would be obscure glazed and fixed shut with the exception of high level fanlights to ensure that no loss of privacy results to the rear elevation and rear garden of no. 114. This will be secured by condition. The windows in the rear (west elevation) of plot 2 facing no. 114 also serve the living room at ground floor level and at first floor level, there would be 2no. windows, one serving the master bedroom and one serving a bathroom. The window serving the bedroom would look directly on the flank wall of no. 114 and would have oblique views over the rear garden of no. 114. This window would be set 15.2m from the flank wall of no. 114 at the closest point and as such would not result in an adverse level of overlooking to the detriment of no. 114 given the separation distance and the rear to side relationship between the proposed dwellings and no. 114. The proposed first floor bathroom window would be obscure glazed and fixed shut with the exception of top opening fanlights to ensure that no loss of privacy results to the rear elevation and rear garden of no. 114. This again will be secured by condition.

9.44 There is existing residential accommodation above the Rose and Crown at first floor level. The flank wall of plot 2 would be set 21m from the first floor accommodation and an existing rear facing window serving a bedroom. In view of the separation distance between plot 2 and the first floor flat, the dwellings would not appear overbearing to occupiers of the first floor flat. Further, the first floor rear facing window of the flat would be set 19.6m from the boundary of the proposed garden serving plot 2. In view of this separation distance, the existing first floor bedroom window of the flat would not result in undue overlooking and loss of privacy to the gardens of the proposed dwellings.

9.45 Works are on-going at Alford Close following its designation as a housing allocation and the subsequent grant of planning permission. The proposed dwellings would be sited in excess of 35m from the approved community centre and over 45m from the nearest approved dwellings at Alford Close. In view of these separation distances, the proposed dwellings would not result in any impacts to future occupiers of the dwellings at Alford Close.

#### **Noise to existing dwellings**

9.46 The reduction in the size of the beer garden to the rear of the premises would result in a change in noise environment for existing residential properties, some may experience lower noise levels and some could possibly experience an increase in noise levels, particularly those to the front of the premises. The licenced premises has an ongoing obligation to manage noise and this is also a condition of its premises licence. A noise survey has been undertaken and submitted as part of the application. The Council's Environmental Health officer is of the view that any additional noise as a result in the reduction in the size of the rear beer garden would not be of a level that would warrant refusal of the application.

9.47 Notwithstanding the above, if the issue of noise and disturbance were to become problematical in the future, this could be considered a Statutory Nuisance and could be dealt with by the Council's Environmental Health section under their statutory powers.

#### **Future occupiers of proposed dwellings**

9.48 Adequate residential amenity would be provided to future occupiers of the proposed dwellings. All habitable rooms would be served by windows, parking would be provided on-site to serve each plot and private rear gardens would be provided. Further, a dedicated pedestrian footpath is proposed, leading from the proposed dwellings linking to the public footpath on the High Street to provide safe pedestrian access for future occupiers of the proposed dwellings.

9.49 Plot 2 would be located adjacent to the retained beer garden serving the pub. A 2.1m high acoustic close boarded timber fence is proposed along the boundary of the beer garden with the rear garden of plot 2. This would provide some noise attenuation to future occupiers of the proposed dwellings. It should also be taken into account that future occupiers of the 2no. dwellings would be well aware of the siting of the dwellings relative to the existing pub. Further, as mentioned previously, should noise and disturbance become an issue to future occupiers of the dwellings, this could be dealt with by other statutory powers such as the Council's Environmental Health and Licensing departments.

9.50 As such, the proposal would not be considered to adversely affect the residential amenities of neighbouring dwellings and would be in accordance with Saved Policies EN20 and EN25 of the BFBLP and the NPPF.

#### **iv. Transport implications**

9.51 A revised pub car park layout is proposed as shown on the Proposed Site Layout to provide an acceptable vehicular access to these two proposed dwellings accessed at the end of the car park. The revised car parking layout would also enhance access for existing users of the pub car park. A new dedicated pedestrian route along the eastern boundary of the site also forms part of the latest proposals. The pedestrian footpath is approximately 40m long and ranges from a minimum width of 1m up to 1.8m wide.

#### **Access**

9.52 The two new dwellings would utilise the existing access to a public house (The Rose and Crown) off the A321 High Street. Sight-lines of 2.4m by 43m are available to either side of this access in line with the 30mph speed limit, and there are parking restrictions (double yellow lines) along High Street which assists in protecting sight-lines. The existing low wall across the frontage

provides acceptable visibility between vehicles entering and exiting the car park, and pedestrians using the footway, and entering and exiting the car park. There have not been any recorded accidents at the access to the Rose and Crown in recent years. Additional use of this existing pub car park access for access to two houses would be acceptable.

9.53 It is noted that a previous planning application (LPA ref. 18/00382/FUL) which involved pedestrian access to the proposed dwellings via the pub car park was refused on the grounds of pedestrian safety. One of the reasons for refusal was: *'The proposed development would not provide safe and suitable access for pedestrians through the car park of the Rose and Crown public house. This would result in pedestrians coming into conflict with vehicles reversing and manoeuvring within the car park to the detriment of pedestrian safety'*. A new dedicated pedestrian route is therefore proposed along the eastern boundary of the site which would avoid the need for pedestrians to walk through the pub car park to access the proposed dwellings. This proposed pedestrian route would provide a safe and suitable access for pedestrians and it is the view of the LPA that this addresses the reason for refusal of application 18/00382/FUL.

9.54 The Proposed Site Layout indicates that the proposed footpath has a minimum width of 1m and a maximum width of 1.8m. Post and rail fencing is proposed to either side of the path, and the width of the footpath at its narrowest point between the proposed fencing would be 1m which would provide adequate width for both pedestrians and wheelchair users. A bonded gravel surface is proposed which would provide a suitable surface for this path. The proposed timber post and rail fencing to either side of the path would ensure appropriate separation between the path and the pub car park to the west, such that it will not be possible for parked vehicles to overhang the footpath. The proposed boundaries will also protect pedestrians from an adjacent highway ditch. Further, the path will benefit from overspill lighting from the public house and its car park.

9.55 The proposal would not affect the existing pub access, including for deliveries/servicing. There are deliveries to the pub approximately 4 times a week from different suppliers using a variety of types of vehicles. The largest delivery vehicle would be a Marston's Drey 7.5 tonne 2-axle lorry. Deliveries normally take place during the morning outside of trading hours of the pub. When deliveries occur, any delivery vehicle usually parks alongside the pub by the cellar entrance at the back of the car park. It is not considered that a 7.5 tonne vehicle is an excessively large vehicle (at around 2.2m wide by 8m long) and therefore a car could pass around such a delivery vehicle, particularly in the mornings during delivery times and when the car park is likely to be least busy. The provision of a dedicated pedestrian route avoids the need for pedestrians to walk through the car park to access the proposed dwellings and avoids any conflict with deliveries.

9.56 A new shared driveway is proposed for access to the two new dwellings at the end of the pub car park. A sliding gate is proposed for access to the two proposed dwellings, and these gates are set further back into the residential part of the site, which has enabled additional car parking for the pub to be provided. There is space within the residential part of the site for some informal visitor parking, and access and turning space for domestic delivery vehicles.

9.57 A residential refuse collection point is proposed to serve the 2no. dwellings.

9.58 Pedestrian paths to the front doors of the new dwellings are proposed, along with side/rear access for rear bin storage and cycle parking.

## **Parking**

9.59 This application proposes amendments to the car park serving the public house. The application form notes that there are 21 existing parking spaces, thus provision of 17 parking spaces as proposed represents a reduction in the number of parking spaces. However, the proposed parking arrangement would represent an improvement on the existing situation as the existing parking spaces are not properly marked and do not comply with the current dimensions (in terms of width and depth of the spaces and manoeuvring distance between spaces). It should be

noted that the car park is historic and there are no conditions which required the retention of the original car park serving the public house. Following the approval of 2 planning permissions in 2002 and 2003 for the public house, LPA refs: 02/00438/FUL and 03/00117/FUL, there were conditions which required the provision of additional parking spaces on site. The additional parking was not provided in accordance with the aforementioned planning permissions. However the current arrangement has since become lawful due to the passage of time by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended) as the breaches have existed for a period of more than 10 years. As such, enforcement action cannot be taken against the breaches of conditions relating to parking connected to permissions 02/00438/FUL and 03/00117/FUL].

9.60 The Highway Authority has however visited the Rose and Crown at around 1pm on Friday 29<sup>th</sup> April 2019 and observed 10 vehicles to be parked within the car park, which provides a snapshot of the parking demand during lunchtime. There are parking restrictions along High Street, which would restrict over-spill parking along this main road.

9.61 The proposed parking spaces on the Proposed Site Layout measure 2.4m by 4.8m, in line with the Council's current requirements, and the disabled parking space includes 1.2m clearance to the front and side for access by a mobility impaired user. Generally, 6m of access/manoeuvring space is provided, as measured off the Proposed Site Layout, in line with Council's current requirements. However, this access/manoeuvring space reduces to 4m between the parking spaces on the eastern boundary and the parking spaces which are parallel to the pub. The parking spaces on the eastern boundary are echelon, which would assist with access, and the parking layout is an improvement on the existing layout. In particular, a minimum 4m access width would provide acceptable access to the two proposed dwellings for a standard car, and large vehicles, including a fire tender. It is noted that concerns were raised at the Planning Committee regarding emergency vehicle access. 'Standards for emergency vehicle access are provided within Manual for Streets, which advises at 6.7.3 that access routes over short distances should have a minimum width of 2.75m and that a 3.7m width is required where fire tenders will be 'operating'. These standards can be achieved.

9.62 The applicant has provided vehicle tracking for a standard car to show access/manoeuvring in and out of the various parking spaces within the revised car park layout. The proposed car park arrangement allows all spaces to be accessed independently and cars to exit in forward gear, with the exception of spaces 7 to 12 (assuming that cars had driven into those bays in forward gear). The tracking shows that a long reversing manoeuvre would be required for spaces 7 to 12, though vehicles could turn within the car park (close to the car park access), to exit onto High Street in a forward gear. The existing car park requires that when all spaces are full the majority of cars would have to reverse out of the site in order to exit. Therefore, the proposed car park layout is an improvement on the existing situation. Manual for Streets indicates that the aisle/access width needed to access echelon parking spaces conveniently depends on the width of the parking bay and the angle of approach. For a 2.4m wide bay, at a 45 degrees angle of approach, an aisle/access width of 3.6m is required. For a 2.4m wide bay, at a 60 degrees angle of approach, an aisle/access width of 4.2m is required. Therefore, the provision of 4m to 4.8m aisle/access space, as proposed further into the Rose and Crown car park would be acceptable. Also, where some back and forth manoeuvring may be required, this is likely to be acceptable where traffic volumes and speeds are low within the car park itself.

9.63 The Highway Authority made a further visit to the Rose and Crown at around 3pm on Wednesday 10<sup>th</sup> April 2019 and observed 3 vehicles to be parked within the car park, which is not unusual for that time on a weekday. It was noted that 2 vehicles were parked at the very end of the car park, opposite each other, in the existing echelon arrangement; with limited access/manoeuvring space. The one other vehicle was parked around mid-way along the eastern side of the car park. The pub was open, and bearing in mind the position of the parked vehicles, it is likely that staff tend to park at the end of the car park. Staff would generally be

accessing/manoeuvring in and out of these end parking spaces, when other parking spaces are unoccupied, i.e. when the pub is closed. A similar practice could well continue with the revised car parking layout.

9.64 The tandem parking spaces adjacent to the pub measure off the Proposed Site Layout as 2.4m by 6m, in line with the Council's current requirements; and these are offset from the building by around 500mm, which would cater for vehicles not parking tight to the building. Also, a no parking zone is proposed, and this would enable vehicles using the tandem spaces to out of the spaces, and the car park.

9.65 2 parking spaces are proposed for each of the new 3 bedroom dwellings which would comply with the Council's parking standards SPD. These parking spaces would be 2.4m by 4.8m with 6m of access/turning space in line with the Council's requirements, and to enable vehicle to turn on-plot to exit (via the pub car park) onto this classified road in a forward gear for highway safety. The proposed site layout would also provide for informal visitor parking by a couple of vehicles (one for each dwelling).

9.66 Cycle sheds are to be provided in rear gardens to comply with the parking standards SPD.

### **Trips**

9.67 Two new dwellings are likely to generate in the region of 12 two-way trips per day, including one or two movements in both peak periods.

9.68 A site organisation plan is recommended to be secured by condition. It would be prudent for the revised pub car park layout to be implemented prior to commencement of development for the 2no. dwellings to assist with construction access. The parking for the residential dwellings would only be required prior to occupation of the dwellings. Therefore, it is suggested that two separate conditions for parking for the pub and the dwellings are required.

### **Proposed footpath**

9.69 The Council has the following policy documents relating to accessibility:

-Saved Policy EN22 of the BFBLP refers to designing for accessibility. The policy states "*in the determination of a planning application...provision of convenient access, parking spaces and facilities for people with disabilities*" will be considered by the Council.

- Saved Policy H14 of the BFBLP refers to accessible housing. The policy states that the Council "*require by conditions, or seek to enter into agreements, that new dwellings are accessible to all*".

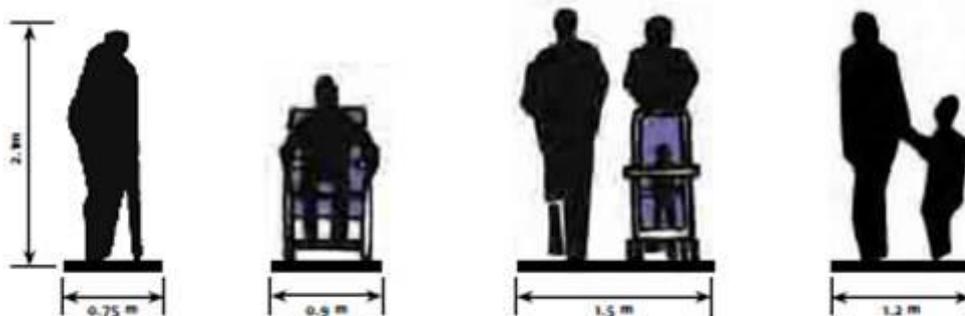
-Designing for Accessibility in Bracknell Forest SPD June 2006. In relation to Footways and footpaths, the SPD states: "*Footways and footpaths should be well lit, and be a firm, even surface. Excessive cross-falls should be avoided wherever possible and surfaces should be non-slip in both dry and wet weather conditions. Footways and footpaths should ideally be 2000mm wide; this allows two wheelchair users to pass. However, narrower sections of path can be reduced in width to 1500mm if the route is less busy and passing places are provided with 1000mm being the absolute minimum unobstructed width at pinch points for not more than 6m in length*".

9.70 Aside from the Council's policy documents, the Department for Transport's guidance - Inclusive Mobility at paragraph 3.1 states: "*A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres*". The document at paragraph 2.2 also states: "*Someone who does not use a walking aid*".

can manage to walk along a passage way less than 700mm wide, but just using a walking stick requires greater width than this; a minimum of 750mm. A person who uses two sticks or crutches, or a walking frame needs a minimum of 900mm, a blind person using a long cane or with an assistance dog needs 1100mm. A visually impaired person who is being guided needs a width of 1200mm. A wheelchair user and an ambulant person side-by-side need 1500mm width.”

9.71 Part M of Building Regulations 2010 addresses disabled access to dwellings. Section 1A refers to - Approach to the dwelling and states the following: “The provisions of Section 1A apply to external and internal areas and elements that form part of the approach route to the dwelling and fall within the plot (or curtilage) of the individual dwelling, or the building containing the dwelling.” The footpath as proposed would therefore fall outside the scope of Part M of Building Regulations 2010 as parking is being provided within the curtilage of the proposed dwellings.

9.72 The footpath as proposed would be a minimum of 1m wide at its narrowest point (for a length of less than 6m at this width).



The extract above taken from Manual for Streets (issued by the Department for Transport) provides useful guidance on the required widths for different users of footways. The footpath at a minimum width of 1m would accommodate a single wheelchair user or a person using two sticks or crutches, or a walking frame. Where the footpath widens to a minimum of 1.2m, it would be of sufficient width to allow 2 people to pass. One part of the proposed footpath widens to a width of 1.8m which would provide an opportunity for a passing point between 2 wheelchairs. This passing point is shown on the latest site layout plan where a passing point 1.8m wide x 3.2m deep is proposed. The Dft’s Inclusive Mobility guidance states “Where an access route is predominantly less than 1800mm wide, passing places should be provided to allow two wheelchair users to pass each other. A passing place should be a minimum of 2000mm long by a minimum of 1800mm wide and located within direct sight of another, or at a maximum distance of 50 metres from another, whichever is the closer.” The provision of a passing point at one part of the footpath where it is 1.8m wide would therefore allow 2 wheelchair users to pass. The footpath as proposed is less than 50m and therefore it is not essential for a passing point to be provided in accordance with the DfT guidance, however one is proposed. It should be noted that the document Inclusive Mobility and the SPD - Designing for Accessibility in Bracknell Forest are only guidelines. The Inclusive Mobility document itself actually states “these guidelines do not have any legal status”.

9.73 Further, the proposed footpath would be on private land, it would not be a public footpath and as such would be very lightly used. The footpath is relatively straight and would not be obstructed by planting/vegetation so there would be relatively clear visibility along its length. Further, the proposal is for 2no. dwellings and the associated pedestrian movements would be relatively low so that the risk of conflict between users along the footpath is also likely be low. Notwithstanding the above, a wheelchair passing point has been provided on one part of the footpath in the very low event of 2 wheelchair users encountering each other.

The footpath would also comply with the following requirements:

- It is gently sloping;
- It has a suitable ground surface (bonded gravel);
- Whilst the proposed footpath would itself not be lit, overspill lighting from the public house, surrounding dwellings and street lighting on High Street would contribute to lighting the footpath.

9.74 It should also be noted that whilst a dedicated pedestrian footpath for future occupiers of the 2no. dwellings is proposed, the LPA cannot enforce that future occupiers actually utilise this footpath. In practice, while a safe pedestrian route would be provided avoiding the car park serving the Rose and Crown, the LPA could not prevent able bodied people, people in wheelchairs or visually impaired people walking through the pub car park to connect onto the High Street

9.75 Taking account of all these factors, it is the view of Council officers that it would be unreasonable to refuse the application on the basis of not providing suitable access for pedestrians, including those with disabilities.

### **Sustainability**

9.76 The siting of the proposed dwellings would be within a sustainable location, within the preferred maximum walking distance to Sandhurst local centre (shopping parade near Newtown Road). The facilities at the Old Mills local parade are even closer. Sandhurst train station and bus services are also available at the junction of Crowthorne Road and Sandhurst Road.

9.77 In summary, as this revised application proposes a dedicated pedestrian footpath to serve the 2no. dwellings which would provide safe and suitable pedestrian access for future occupiers, it is considered that this overcomes the first reason for refusal of application 18/00382/FUL. This application would create improvements to the parking layout to serve the public house over the existing situation and a planning condition is recommended which will secure the retention of the parking on site which is advantageous. This revised application represents an improvement to the previous application 18/00382/FUL which was refused (and is now subject to an appeal). Subject to the imposition of conditions, the proposal is considered to be in accordance with CS23 of the CSDPD, Saved Policy M9 of the BFBLP and the NPPF and would not result in adverse highway implications.

### **v. Trees**

9.78 There are no trees within the application site that are covered by Tree Preservation Orders. The land directly to the west of the application site is however covered by a woodland Tree Preservation Order (ref: TPO 1257) which abuts the far south-western corner of the application site.

9.79 The proposed dwellings and associated access/parking areas would not impact upon the woodland TPO.

9.80 There are some trees within the application site which are not covered by TPOs. The application is supported by an Arboricultural Implications Assessment and Method Statement. There would be some parking spaces and part of the internal access road which would be sited within the root protection area of 2 of the existing trees on site. The assessment and method statement however identifies that these works within the RPA of these existing trees would utilise a cellular confinement system. Ground protection measures and tree protection measures are also proposed.

9.81 Subject to the imposition of conditions to safeguard retained trees in accordance with the assessment and method statement, the proposal is considered to be in accordance with Policy EN1 of the Bracknell Forest Borough Local Plan and the NPPF and would not result in an adverse impact on trees.

#### **vi. Biodiversity**

9.82 The application site comprises a public house where it is proposed to demolish the existing outbuildings and erect 2 dwellings to the rear. The rear section of the site consists of a pub garden with improved grassland and shrubs and is unlikely to be of significant ecological value. The existing outbuildings comprise open structures (e.g. covered seating areas) and a shed, which, as per the ecological report (Ecosupport, April 2018), are unlikely to have features potentially suitable for use by roosting bats. Since bird nesting material was found in one of the structures, the works should be timed to avoid the bird nesting season – this can be secured by condition.

9.83 The proposals will result in the loss of one of two ornamental ponds on site. Both ponds have been assessed as having 'poor' suitability for use by Great Crested Newts (GCN) and it is therefore considered unlikely that the works will adversely affect GCN. The report states that the retained pond will be "re-profiled" into a wildlife pond, and that other enhancements on site will include bird and bat boxes and wildlife-friendly planting. These enhancements should be secured through a condition.

9.84 In summary, the site is of limited value to wildlife and the works are unlikely to adversely affect any protected species. Subject to the imposition of conditions, the proposal would not adversely impact upon biodiversity and would be in accordance with Policies CS1 and CS7 of the CSDPD and the NPPF.

#### **vii. Thames Basin Heath SPA**

9.85 The Council, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out including mitigation requirements.

9.86 This site is located approximately 1.15km from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

9.87 On commencement of the development, a contribution (calculated on a per-bedroom basis) is to be paid to the Council towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPD) and the Planning Obligations SPD. The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures. The Council will also make a contribution towards SANG enhancement works through Community Infrastructure Levy (CIL) payments whether or not this development is liable to CIL.

9.88 In this instance, the development would result in a net increase of two X three bedroom dwellings which results in a total SANG contribution of £12,224.

9.89 The development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which will also be calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £1,422.

9.90 The total SPA related financial contribution for this proposal is £13,646. The applicant must agree to enter into a S106 agreement to secure these contributions and a restriction on the occupation of each dwelling until the Council has confirmed that open space enhancement works to a SANG is completed. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, Saved policy EN3 of the BFBLP and CS14 of CSDPD, the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD, the Planning Obligations SPD and the NPPF. For clarification, the applicant is willing to enter into a S106 agreement to secure SPA contributions which would address the second reason for refusal of application 18/00382/FUL.

#### **viii. Community Infrastructure Levy (CIL)**

9.91 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL applies to any new build including those that involve the creation of additional dwellings.

9.92 CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. The charging schedule states how much CIL will be charged (in pounds per square metre of net additional floorspace) based on the development type and location within the borough.

9.93 The site lies within the CIL charging zone of Crowthorne/Sandhurst. The proposal is CIL liable.

#### **ix. Energy Sustainability**

9.94 Policy CS10 of the CSDPD requires the submission of a Sustainability Statement to secure water usage (average water use of 110 litre/person/day). No Sustainability Statement has been submitted. A planning condition is recommended in relation to the submission of a Sustainability Statement to satisfy the requirements of Policy CS10 of the CSDPD.

9.95 Policy CS12 requires the submission of an Energy Demand Assessment to secure on-site renewable energy production of 10%. No Energy Demand Assessment has been submitted. A planning condition is recommended in relation to the submission of an Energy Demand Assessment to satisfy the requirements of Policy CS12 of the CSDPD.

#### **x. Drainage/SuDS**

9.96 The application site is located within Flood Zone 1 and is not shown to be at risk of surface water flooding. There is however a highway drain in close proximity to the proposed dwellings. The submitted information shows the ditch to be retained at the boundary of the development and does not appear to be any impact on the ditch line. However, the area is likely to suffer from high groundwater table and as such careful consideration should be given to the design of the SuDS scheme to ensure that the property floor levels and drainage design are appropriate. The site drains to an area of high flood risk and as such the provision of SuDS with a restricted runoff rate should be incorporated. Planning conditions are recommended to address these matters.

## 10. Conclusion

10.1 The proposal for 2no. houses outside of the defined settlement boundary in the Countryside is strictly not in accordance with the development plan policy of CS9 of the CSDPD and Saved Policies EN8 and H5 of the BFBLP which seek to restrict new housing in the Countryside. However, these policies do not fully accord with the NPPF which seeks to protect the intrinsic character and beauty of the countryside and therefore the weight afforded to the development plan policies decreases. The NPPF supports both the effective use of land for new housing and the development of under-utilised land. In this instance, the 2no. dwellings would be sited on previously developed land. The proposed dwellings would relate well to existing built form to the west, east and south-east of the site, all of which lies outside of the defined settlement boundary. The development would infill a gap between existing built form on High Street and Pinewood Close and the approved built form at Alford Close. The new dwellings would not detract from the designated landscape character of the area as defined by the LCA, 2015. Planting is proposed along the southern boundary of plot 1 to provide screening to the development when viewed from the open countryside directly to the south.

10.2 Whilst the proposal would have some environmental impact with the addition of 2 storey dwellings replacing single storey structures sited in the beer garden and would result in the loss of part of the beer garden serving the pub, these environmental impacts would be localised. On balance, it is therefore considered that the harm that arises from the proposal is not significant and the proposal would not result in significant harm to the intrinsic beauty of the countryside.

10.3 The existing pub would be retained as a community facility. Further, the proposal is not considered to adversely affect the residential amenities of neighbouring properties. No adverse highway safety implications would result. A dedicated pedestrian footpath is proposed to serve the 2no. dwellings which would provide safe and suitable pedestrian access for future occupiers and as such overcomes the first reason for refusal of application 18/00382/FUL. The revisions proposed to the parking layout serving the public house would represent an improvement on the existing situation as the parking spaces are currently not properly marked and do not comply with current standards. It is acknowledged that letters of objection raise concern about the loss of parking spaces to serve the public house, however there are no planning conditions which require the existing parking spaces to be kept available for customer parking. This application would create improvements to the parking layout to serve the public house over the existing situation and a planning condition is recommended which will secure the retention of the parking on site which is advantageous.

10.4 Relevant conditions will be imposed in relation to trees, landscape, biodiversity, highway safety, sustainability and drainage.

10.5 A legal agreement is required to secure contributions for SPA mitigation and the scheme is CIL liable.

10.6 For the reasons set out in this report, it is considered that the benefits of the proposal outweigh any limited and localised harm that arises.

10.7 The application is therefore recommended for approval, subject to the completion of a legal agreement.

## 11. RECOMMENDATION

11.1 **Following the completion of planning obligation(s) under Section 106** of the Town and Country Planning Act 1990 relating to measures to avoid and mitigate the impact of residential development upon the Thames Basins Heath Special Protection Area (SPA);

That the Head of Planning be authorised to **APPROVE** the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 21 December 2018 and 18 April 2019:

Drawing no. 17.2304.110 Rev P2

Drawing no: 17.2304.100 Rev P12

Drawing no. 17.2304.101 Rev P4

Drawing no. 17.2304.102 Rev P4

Drawing no.17.2304.103. Rev P4

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No superstructure works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The first floor windows on the rear (western) elevation serving the en-suite and bathroom windows on plot 1 and first floor window on the side (northern) elevation serving the en-suite bathroom and the first floor window on the rear (western) elevation serving the bathroom window on plot 2 dwellings hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent). They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room they serve.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no additional windows, similar openings or enlargement thereof shall be constructed in the northern and western elevations of plot 1 and southern and western elevations of plot 2 of the dwellings hereby permitted except for any which may be shown on the approved drawings.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

06. The finished floor levels of the buildings hereby approved shall be in accordance with the approved drawings.

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

07. No dwelling shall be occupied until a scheme depicting hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule. All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved. The areas shown for landscaping shall thereafter be retained.

REASON: In the interests of the visual amenities of the area.

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

08. No dwelling shall be occupied until the boundary treatment has been implemented in accordance with the approved scheme. The boundary treatments shall thereafter be retained.

REASON: In the interests of the visual amenities of the area.

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

09. No dwelling shall be occupied until the 2.1m high acoustic fence along the southern boundary of the Rose and Crown beer garden has been implemented in accordance with the approved scheme. The acoustic fence shall thereafter be maintained and retained as such.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN25]

10. The development hereby permitted shall not be begun until a Sustainability Statement covering water efficiency aimed at achieving an average water use in new dwellings of 110 litres/person/day, has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the Sustainability Statement, as approved, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

11. The development hereby permitted shall not be begun until an Energy Demand Assessment demonstrating that a proportion of the development's energy requirements will be provided from on-site renewable energy production (which proportion shall be 10%) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Energy Demand Assessment as approved and retained as such thereafter.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Plans and Policies: CSDPD Policy CS12]

12. No dwelling shall be occupied until a means of vehicular access (for the residential dwellings only) has been constructed in accordance with the approved plans. The access shall thereafter be retained as such.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

13. No dwelling shall be occupied until the means of access for pedestrians has been constructed in accordance with the approved plans. The access shall thereafter be retained as such.

REASON: In the interests of accessibility and to facilitate access by pedestrians.

[Relevant Policies: BEBLP M6, Core Strategy DPD CS23]

14. The development hereby permitted shall not be begun until the associated vehicle parking and turning space for the public house have been surfaced and marked out in accordance with the approved drawings. The spaces shall thereafter be kept available for parking and turning for the public house at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

15. No dwelling shall be occupied until the associated vehicle parking and turning space (for the residential dwellings only) have been surfaced in accordance with the approved drawings. The spaces shall thereafter be kept available for parking and turning for the residential dwellings at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

16. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawings. The facilities shall thereafter be retained as such.

REASON: In order to ensure bicycle facilities are provided.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

17. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above.

REASON: In the interests of amenity and road safety.

18. No site clearance or demolition shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during development has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and thereafter retained.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

19. No dwelling shall be occupied until a scheme for the provision of biodiversity enhancements including a plan or drawing showing the location of these enhancements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be performed, observed and complied with prior to the occupation of the dwellings hereby approved.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1, CS7]

20. All existing trees shown to be retained and protected in the document entitled "Arboricultural Implications Assessment and Method Statement" by Ecurban Ltd shall be protected by 2m high

(minimum) welded mesh panels, supported by a metal scaffold framework, constructed in accordance with Section 6.2 of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved document/drawings.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

21. The protective fencing specified by condition 20 shall be erected prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these areas including but not restricted to the following: -

a) No mixing of cement or any other materials.

b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.

c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.

d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.

e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.

f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

a) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.

b) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

22. The cellular confinement system and ground protection measures shall be implemented in accordance with the document entitled "Arboricultural Implications Assessment and Method Statement" by Ecourban Ltd. These measures shall be observed, performed and complied with.

REASON: In order to safeguard trees in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

23. No development shall take place until full details of the Drainage System(s) have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Results of intrusive ground investigations, including indication of likely groundwater table and infiltration rates.
- Full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels, headwall details, planting (if necessary) and drawings as appropriate.
- Calculations confirming that runoff rates post development will not exceed the greenfield runoff rate.
- Submission of the Management and Maintenance plan setting out the maintenance requirements together with expected frequency.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding in accordance with policy CS1 of the Core Strategy.

24. No dwelling shall be occupied until the sustainable urban drainage scheme for this site has been implemented in accordance with the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

REASON: To ensure that the site is properly drained and does not increase the risk of flooding elsewhere.

[Relevant Policies: CSDPD CS1]

### **Informatives**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The applicant is advised that the following conditions require discharging prior to commencement of development:

- 10. Sustainability Statement
- 11. Energy Demand Assessment
- 17. Site organisation
- 23. Drainage system(s)

The applicant is advised that the following condition requires discharging prior to commencement of superstructure works:

- 03. Materials

The following conditions require discharge prior to the occupation of the dwellings hereby approved:

- 07. Landscaping
- 19. Biodiversity enhancements

No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

- 01. Time limit
- 02. Approved plans
- 04. Obscure glazing
- 05. Restrictions on windows
- 06. Slab levels
- 08. Boundary treatment
- 09. Acoustic fencing
- 12. Vehicular access
- 13. Pedestrian access
- 14. Parking for public house
- 15. Parking for residential dwellings
- 16. Cycle parking
- 18. No site clearance
- 20-22 Tree
- 24. Drainage system(s)

3. The Council's Licensing team should be contacted to discuss whether any variation to the premises licence will be required. They can be contacted via [licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk)

**In the event of the S106 agreement not being completed by 31 August 2019, the Head of Planning be authorised to either extend the period further or refuse the application on the grounds of:**

01. The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, Policy EN3 of the Bracknell Forest Borough Local Plan, Policy CS14 of the Core Strategy Development Plan Document and the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018).